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FILED

UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

MAGISTRATE CASTING

08 MJ 1118

Plaintiffs,

COMPLAINT FOR VIOLATION OF

v.

Title 18, U.S.C., Section 2113(a)  
Bank Robbery

ANDRE TYREESE LEGGETT (1),

DEOSSY GENE GIBBS (2)


Defendants.

The undersigned complainant, being duly sworn, states:

Count 1

On April 10, 2008, within the Southern District of California, defendants ANDRE TYREESE LEGGETT and DEOSSY GENE GIBBS, by force, violence, and by intimidation, did unlawfully take from the person and presence of an employee of Pacific Trust Bank, at 279 F Street, Chula Vista, California, approximately \$3300 in United States currency belonging to and in the care, custody, control, management and possession of the Pacific Trust Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

And the complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.

  
CARLA J. CROFT, Special Agent  
Federal Bureau of Investigation

SWORN TO ME AND SUBSCRIBED IN MY PRESENCE THIS 11th DAY OF APRIL  
2008.

  
RUBEN B. BROOKS  
United States Magistrate Judge

AFFIDAVIT

I, Carla J. Croft, Special Agent (SA) of the Federal Bureau of Investigation (FBI), being duly sworn, depose and say:

1. I am currently assigned to violent crimes investigations in the San Diego Field Division of the FBI. The information contained in this affidavit is based upon my personal knowledge and on the information I have learned from reviewing official reports and speaking with other local and federal law enforcement officers.

2. This affidavit is in support of a Complaint for ANDRE TYREESE LEGGETT, black male, date of birth May 04, 1989, for violation of Title 18 of the United States Code, Section 2113 (a), Bank Robbery.

3. On Thursday April 10, 2008, at approximately 11:09 a.m., the affiant responded to the report of a robbery at the Pacific Trust Bank, 279 F Street, Chula Vista, California.

4. The affiant interviewed the victim teller from Pacific Trust Bank, 279 F Street, Chula Vista, California, who advised as follows:

a. On April 10, 2008, as the teller was working a black male entered Pacific Trust Bank, 279 F Street, Chula Vista, California, while speaking on a cellular telephone. The teller greeted the black male, who was carrying two blue merchant bags. The black male told the teller that his boss needed to speak with her and handed her the cellular telephone.

b. Upon receiving the cellular telephone the teller heard a male voice state, "I've been watching you closely. I know what you're doing. If you do what I tell you, I won't hurt you or your family." The teller handed the cellular telephone back to the black male standing in front of her. The teller then began removing money

1 from her top drawer and placing the money into one of the merchant  
2 bags. The black male stated that his boss only wanted hundreds, at  
3 which time the teller removed the hundreds from her second drawer as  
4 well. The black male stated that was not enough money and to provide  
5 him with the fifty dollar bills as well. The teller then provided the  
6 black male with all her fifty dollar bills. The black male exited  
7 Pacific Trust Bank, 279 F Street, Chula Vista, California, through the  
8 north exit.

9 c. The teller was contacted shortly after the robbery by  
10 Chula Vista Police Officers, who took her to an area where the  
11 passenger of a stopped vehicle matched the description of the bank  
12 robber. Upon viewing the passenger the teller positively identified  
13 the individual as the black male who had entered Pacific Trust Bank,  
14 279 F Street, Chula Vista, California, and robbed her.

15 5. The affiant spoke with officers of the Chula Vista Police  
16 Department who advised as follows: Immediately after the report of  
17 the robbery of Pacific Trust Bank, 279 F Street, Chula Vista,  
18 California, undercover Chula Vista Police Officers in the area,  
19 observed an individual matching the description of the bank robber get  
20 into a ~~green~~<sup>gray</sup> Dodge Durango, back from a parking space, and turn east  
21 on F Street, Chula Vista, California. The undercover Chula Vista  
22 Police Officers followed the ~~green~~<sup>gray</sup> Dodge Durango to the entrance ramp  
23 to northbound Interstate 805 where Chula Vista Police Officers in  
24 marked units performed a traffic stop. After performing the traffic  
25 stop, defendant ANDRE TYREESE LEGGETT, was found to be riding as a  
26 passenger in the ~~green~~<sup>gray</sup> Dodge Durango getaway vehicle. LEGGETT was  
27 wearing a bright green shirt. Co-defendant DEOSSY GENE GIBBS was  
28 found to be the driver of the ~~green~~<sup>gray</sup> Dodge Durango getaway vehicle.

1 a. Chula Vista Police Officers detained defendant, LEGGETT,  
2 along with the co-defendant DEOSSY GENE GIBBS, who later admitted to  
3 being the male voice on the cellular telephone used by defendant  
4 LEGGETT during the bank robbery. During the detention, Chula Vista  
5 Police Officers brought the victim teller to the scene at the  
6 northbound entrance ramp to Interstate 805, where she provided a  
7 positive identification of LEGGETT.

8 b. The blue merchant bags utilized during the robbery of  
9 Pacific Trust Bank, 279 F Street, Chula Vista, California were  
10 recovered from the <sup>gray</sup>~~green~~ Dodge Durango.

11 c. Also \$3300 in United States currency was recovered  
12 inside the <sup>gray</sup>~~green~~ Dodge Durango, which was the exact amount stolen  
13 during the aforementioned robbery of Pacific Trust Bank, 279 F Street,  
14 Chula Vista, California.

15 6. LEGGETT, after being transported to Chula Vista Police  
16 Department, was advised of his constitutional Miranda rights. LEGGETT  
17 advised that he understood his rights and voluntarily signed the FBI  
18 Advice of Rights form indicating he was willing to answer questions  
19 without an attorney present. LEGGETT voluntarily advised as follows:

20 a. LEGGETT had known GIBBS for approximately ten years.  
21 LEGGETT spent time with GIBBS' family and often worked odd jobs for  
22 GIBBS including yard work and moving heavy items. Approximately two  
23 months ago, GIBBS had given LEGGETT one hundred dollars to use towards  
24 the purchase of a vehicle. GIBBS told LEGGETT that he would have some  
25 work for him to do later in exchange for the money.

26 b. On the morning of April 10, 2008, LEGGETT was at school  
27 when he received a call from GIBBS. GIBBS asked LEGGETT if he wanted  
28 to make some money. LEGGETT agreed to leave school and go with work

1 with GIBBS. LEGGETT believed they would be doing work similar to what  
2 he had previously done with GIBBS.

3 c. GIBBS picked up LEGGETT and they drove south. During  
4 the drive GIBBS told LEGGETT there would be consequences for what they  
5 were going to do. LEGGETT did not question GIBBS as to the work they  
6 were going to do or what consequences he was referring to as LEGGETT  
7 trusted GIBBS. GIBBS asked LEGGETT if he was nervous. LEGGETT was  
8 told that he would be paid ten racks by the end of the day.

9 d. Eventually, GIBBS pulled up to Pacific Trust Bank, 279  
10 F Street, Chula Vista, California. LEGGETT was provided with a Boost  
11 Motorola cellular telephone, (619) 608-7044 that is owned by GIBBS and  
12 two blue money bags. GIBBS told LEGGETT that he would call him on the  
13 cellular telephone while LEGGETT entered the bank. Once in the bank  
14 LEGGETT was to give the bags and the cellular telephone to the woman.  
15 LEGGETT entered Pacific Trust Bank, 279 F Street, Chula Vista,  
16 California, with the blue money bags and the Boost Motorola cellular  
17 telephone.

18 e. LEGGETT provided the Boost Motorola cellular telephone  
19 (619) 608-7044 to the teller once inside, which had been called by  
20 GIBBS with another Boost Motorola cellular telephone (619) 722-9048.  
21 LEGGETT assumed that GIBBS was talking to the teller, however, he did  
22 not know what GIBBS was saying. The teller put money in one of the  
23 bags and gave LEGGETT the cellular telephone. GIBBS told LEGGETT to  
24 tell the teller that he only wanted hundred dollar bills. LEGGETT  
25 told the teller and then told her to add the fifty dollar bills as  
26 well.

27 f. LEGGETT exited Pacific Trust Bank, 279 F Street, Chula  
28 Vista, California, and reentered the ~~green~~ <sup>gray</sup> Dodge Durango, which was

1 stopped shortly thereafter attempting to enter Interstate 805  
2 northbound.

3 g. LEGGETT was transported to the Federal Bureau of  
4 Investigation, San Diego Field Office, for booking. After being  
5 booked, LEGGETT requested and was granted permission to call his  
6 mother. While speaking with his mother LEGGETT stated, "Don't bother  
7 getting a lawyer. I did it. Why waste the money?"

8 7. LEGGETT is described as follows:

9 Name: ANDRE TYREESE LEGGETT

10 Race: Black

11 Sex: Male

12 Date of Birth: May 4, 1989

13 Social Security#: XXX-XX-6756

14 Height: 6'1"

15 Weight: 145 pounds

16 Build: Thin

17 Hair: Black, short

18 Residence: 6219 Alderley Street

19 San Diego, California

20 8. GIBBS, after being transported to Chula Vista Police  
21 Department, was advised of his constitutional Miranda rights. GIBBS  
22 advised that he understood his rights and voluntarily signed the FBI  
23 Advice of Rights form indicating he was willing to answer questions  
24 without an attorney present. GIBBS voluntarily advised as follows:

25 a. GIBBS and LEGGETT had begun discussing committing the robbery  
26 of Pacific Trust Bank, 279 F Street, Chula Vista, California, a couple  
27 of days prior to the actual commission. GIBBS favored the Pacific  
28 Trust Bank, 279 F Street, Chula Vista, California, after visiting the  
bank approximately three weeks prior.

1 b. On April 10, 2008, GIBBS and LEGGETT discussed the  
2 consequences of committing the bank robbery outside of ECC school, San  
3 Diego, California, where GIBBS met LEGGETT. LEGGETT stated, "Let's go  
4 do it." Upon agreement, GIBBS and LEGGETT drove to Pacific Trust  
5 Bank, 279 F Street, Chula Vista, California.

6 c. Once parked outside Pacific Trust Bank, LEGGETT was  
7 provided with a Boost Motorola cellular telephone, (619) 608-7044 that  
8 is owned by GIBBS and two blue merchant bags. LEGGETT entered Pacific  
9 Trust Bank, 279 F Street, Chula Vista, California, with the two blue  
10 merchant bags and the Boost Motorola cellular telephone.

11 d. LEGGETT provided the Boost Motorola cellular telephone  
12 (619) 608-7044 to the teller once inside, which had been called by  
13 GIBBS with another Boost Motorola cellular telephone (619) 722-9048.  
14 GIBBS stated to the teller, "We've been watching you for awhile. Put  
15 the money in the bag. He's not going to hurt anybody. Do you  
16 understand?".

17 e. LEGGETT exited Pacific Trust Bank, 279 F Street, Chula  
18 Vista, California, and reentered the <sup>gray</sup> ~~green~~ Dodge Durango, which was  
19 stopped shortly thereafter on the access ramp to Interstate 805  
20 northbound. Upon being stopped by Chula Vista Police Officers GIBBS  
21 telephoned his wife, Marcia Gibbs, stating, " Things are not right,  
22 I'm not coming home right now."

23 9. GIBBS is described as follows:

24 Name:	DEOSSY GENE GIBBS
25 Race:	Black
26 Sex:	Male
27 Date of Birth:	November 19, 1967
28 Social Security#:	XXX-XX-0198
Height:	5'11"

Weight: 350 pounds  
Build: Heavy  
Hair: Black, short  
Residence: 6260 Alderley Street  
San Diego, California

10. The affiant has confirmed that the deposits of the Pacific Trust Bank, 279 F Street, Chula Vista, California, were insured by the Federal Deposit Insurance Corporation (FDIC) at the time of the bank robbery on April 10, 2008. The Pacific Trust Bank, 279 F Street, Chula Vista, California, incurred a loss of \$3300 in United States currency as a result of that bank robbery.

11. The foregoing information and evidence indicates that ANDRE TYREESE LEGGETT and DEOSSY GENE GIBBS, on April 10, 2008, did by force take from the person and presence of employees of Pacific Trust Bank, 279 F Street, Chula Vista, California, the deposits of which were then insured by the FDIC, approximately \$3300 in United States currency, belonging to and in the care, custody, control, management, and possession of such bank.

The foregoing is true and correct to the best of my information and belief.

  
\_\_\_\_\_  
Carla J. Croft  
Special Agent, FBI

Sworn to before me and subscribed in my presence this 11th day of April, 2008, at 12:35 a.m. (p.m.).

  
\_\_\_\_\_  
Ruben B. Brooks  
United States Magistrate Judge